

Honorable Joseph Campbell
The Comptroller General
of the United States
Washington 25, D. C.

Dear Mr. Campbell:

This Agency employs a number of highly trained specialists who use equipment in their work which requires either normal or corrected-to-normal vision. Many of these specialists require eyeglasses which they have in the past been able to wear while operating this special equipment. However, this Agency is replacing the equipment with new machinery of improved design which cannot be used effectively while the operator is wearing conventional eyeglasses.

The Agency has expended a great deal of time and money in the training of these specialists and has the desire neither to lose their services nor to impede their efficiency. It has been determined by a comprehensive study of the problem that those specialists requiring vision correctives could wear contact lenses successfully in operating the new equipment. It is believed proper that the Agency should purchase these lenses from appropriated funds.

The Agency's continuing replacement of its old equipment with the new, more efficient apparatus, capable of producing a finer quality of work, is creating new conditions which are making these seasoned employees, who were fully qualified when assigned originally to their specialized duties, increasingly unable to fulfill their assignments. To require these employees to purchase contact lenses would place an undue financial burden on them, since contact lenses are very costly in comparison with ordinary eyeglasses. Yet without such lenses these employees will soon become so ineffective as not to be able to continue in their specializations.

In short, since the operation of this new special equipment has become a necessary part of the duties of these experts which cannot be fulfilled while wearing ordinary eyeglasses, the Agency's mission in this special area can no longer be accomplished expeditiously and satisfactorily without fitting these employees with contact lenses. Therefore, it is felt that the Agency could justifiably purchase the lenses as an expense necessary to the efficient fulfillment of its mission.

It is my view that the special circumstances making contact lenses necessary in this case are unusual and do not describe a situation in which the employee can be expected to provide his own equipment as usual and necessary furnishings to enable him to perform the regular duties of the position for which he was engaged. Authority on this issue is found in 3 COMP GEN 433 (1924) and reaffirmed, in principle, in 32 COMP GEN 229 (1952):

In the absence of specific authority for the purchase of personal equipment, particularly wearing apparel thereof, the first question for consideration in connection with a proposed purchase of such equipment is whether the object for which the appropriation involved was made can be accomplished as expeditiously and satisfactorily from the Government's standpoint without such equipment. If it be determined that use of the equipment is necessary to the accomplishment of the purposes of the appropriation, the next question to be considered is whether the equipment is such as the employee reasonably could be required to furnish as part of the personal equipment necessary to enable him to perform the regular duties of the position to which he was appointed or for which his services were engaged. Unless the answer to both of these questions is in the negative, public funds cannot be used for the purchase. In determining the first of these questions, there is for consideration whether the Government or the employee receives the principal benefit resulting from use of the equipment, and whether an employee reasonably could be required to perform the service without the equipment. In connection with the second question, the points ordinarily involved are whether the equipment is to be used by the employee in connection with his regular duties or only in emergencies or at infrequent intervals and whether such equipment is assigned to an employee for individual use or is intended for and actually to be used by different employees.

In view of these facts, this Agency requests your opinion, first whether it can purchase from appropriated funds contact lenses for experts who are assigned to operating this special new equipment, and second, whether any new employees trained for this specialized work, may also be supplied with contact lenses at Government expense.

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Sincerely,

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C. P. Gohell
General, USAF
Acting Director

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